


Phillips Lytle LLP

Attorneys at Law

 RECEIVED
 CENTRAL FAX CENTER
 JAN 11 2006

 3400 HSBC Center, Buffalo, NY 14203-2887 Phone 716 847 8400 Fax 716 852 6100
 Buffalo Albany Chautauqua Garden City New York Rochester www.phillipslytle.com

 Facsimile Transmission Cover Sheet
 Please Deliver The Attached Document ASAP

Confidentiality Notice

This transmission is intended only for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender which is protected by the attorney-client privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, immediately notify us by telephone to arrange for its return.

DATE: January 11, 2006

TIME: _____

PAGES: Cover + 2

TO:

FAX NUMBER:

Examiner - Sean E. Conley

571-273-8300

COMMENTS:

FROM: Peter K. Sommer	EQUITRAC INIT: PKS2	EXT.: 8345
CLIENT:	Client/Matter #: 20420.00003	
RE:	Attorney ID #: 121	

 If you do not receive all pages as indicated, please notify us IMMEDIATELY at 716 847 5423
 Original Mailed? No

Albany Office 125 Wolf Road Suite 112 Albany, NY 12203 Fax 518 435 0030 Phone 518 435 0323
 Chautauqua Offices 8 East Third St Suite PO Box 1279 Jamestown, NY 14702-1279 Fax 716 664 4230 Phone 716 664 3906
 11 East Main Street PO Box 149 Fredonia, NY 14063 Fax 716 672 7979 Phone 716 672 2164
 Garden City Office 1100 Franklin Ave 4th Floor Garden City, NY 11530 Fax 516 742 3910 Phone 716 672 2164
 New York City Office 437 Madison Avenue 34th Floor New York, NY 10022 Fax 212 308 9079 Phone 212 759 4888
 Rochester Office 1400 First Federal Plaza Rochester, NY 14614 Fax 585 232 9141 Phone 585 238 2000

RECEIVED
CENTRAL FAX CENTER
JAN 11 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/765,807

Confirmation No. 2456

Applicant: James F. Garvey *et al.*

Filed: January 27, 2004

Title: METHOD OF ALTERING A FLUID-BORNE CONTAMINANT

TC/A.U.: 1744

Examiner: Sean E. Conley

Docket No.: 20420.00003 [R-5812]

Cust. No.: 01342

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**RESPONSE TO ELECTION-
OF-SPECIES REQUIREMENT**

Sir:

In response to the Office Action of January 4, 2006, which imposed an election-of-species requirement, Applicant hereby provisionally elects, with traverse, to first prosecute generic claim 1, Species II of Group A (*i.e.*, claim 3), Species II of Group B (*i.e.*, claims 6-7) and Species I of Group C (*i.e.*, claim 10), pending the allowability of a generic claim linking the various species.

Respectfully submitted,

PHILLIPS LYTLE LLP

By 

Peter K. Sommer, Esq.

Reg. No. 26,587

3400 HSBC Center

Buffalo, New York 14203

Telephone: (716) 847-8400

Telecopier: (716) 852-6100

Attorneys for Applicants

Buffalo, New York

Dated: January 11, 2006

Certificate of Facsimile Transmission

I certify that this correspondence is being facsimile transmitted to Telephone No. (571) 273

-8300 on January 11, 2006.

PHILLIPS LYTLE LLP

By 

Peter K. Sommer, Esq.

Reg. No. 26,587

Signed: January 11, 2006

Bfo#1540991.1